

EXHIBIT C

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Attorneys for Defendants
StudiVZ Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH,
HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**STUDIVZ LTD.'S RESPONSES TO
FACEBOOK, INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

PROPOUNDING PARTY: FACEBOOK, INC.

RESPONDING PARTY: STUDIVZ LTD.

SET NUMBER: ONE

I. GENERAL OBJECTIONS

A. StudiVZ objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. StudiVZ will not produce evidence absent the protective order it has requested from the Court, requiring the evidence to be used only in this action.

B. StudiVZ objects to the Requests on the grounds that they seek discovery that goes to the merits and is not confined to disputed jurisdictional issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction. StudiVZ has filed a motion for a protective order to prevent any discovery on any issue other than material, disputed issues of personal jurisdiction while the motions to dismiss remain pending.

C. StudiVZ objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in the German Constitution and the German Federal Data Protection Act (BDSG).

D. StudiVZ objects to the Requests on the grounds that the definition of “STUDIVZ,” “YOU,” and “YOUR” includes StudiVZ’s “directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees, investigators, attorneys, AND ALL other persons and entities

1 representing it acting on its behalf, OR purporting to act on its behalf, including
2 without limitation, Ehassan Dariani and Dennis Bemman.” This is improperly
3 overbroad generally and is particularly so given that the discovery purports to relate
4 to personal jurisdiction, since in establishing jurisdiction discovery must be directed
5 at the party only.

6
7 E. StudiVZ objects to the Requests on the grounds that their gross
8 overbreadth would require StudiVZ to incur an unreasonable amount of expense
9 and time to search for and then produce the requested documents.

10
11 F. StudiVZ objects to the Requests to the extent they seek documents that
12 are protected from disclosure by the attorney-client privilege, the attorney work
13 product doctrine, the right of privacy and/or any other applicable privileges,
14 doctrines, or immunity from disclosure.

15
16 G. StudiVZ further objects to the Requests to the extent they attempt or
17 purport to impose obligations on StudiVZ beyond those set forth in the Federal
18 Rules of Civil Procedure. All definitions and instructions will be treated as having
19 no force or effect to the extent they purport to impose obligations on StudiVZ
20 beyond those set forth in the Federal Rules of Civil Procedure.

21
22 **REQUEST FOR PRODUCTION NO. 1:**

23 All DOCUMENTS that RELATE TO ANY contracts OR agreements
24 between YOU AND ANY business licensed, located, based, OR incorporated in
25 California OR ANY PERSON currently OR formerly residing OR domiciled in
26 California.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

28 StudiVZ hereby incorporates by reference the general objections set

1 forth above. StudiVZ further objects to this request on the grounds that a plaintiff
2 is not entitled to take discovery on personal jurisdiction as a matter of right. In
3 order to do so, Facebook must either make a *prima facie* showing of jurisdiction
4 over StudiVZ, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. StudiVZ further objects to this request on the grounds
6 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
7 request on the grounds that it is unlimited as to time, and is so overbroad as to be
8 unduly burdensome and harassing. StudiVZ further objects to this request on the
9 grounds that it seeks information that is not relevant nor reasonably calculated to
10 lead to the discovery of admissible evidence. StudiVZ further objects to this
11 request on the grounds that it does not exclude contracts of adhesion, which are
12 irrelevant to any issue of personal jurisdiction or forum non conveniens. StudiVZ
13 further objects to this request on the grounds that it is not limited to contracts
14 StudiVZ knew were with businesses or residents located in California. Subject to
15 and without waiving the foregoing objections, StudiVZ states as follows:

16 After resolution of the issues raised by StudiVZ's general objections and
17 entry of an appropriate protective order, StudiVZ will agree to produce non-
18 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
19 to which it was a party that were in effect as of July 18, 2008, where the party on
20 the other side was known by StudiVZ to be a California resident or where the
21 contract expressly called for application of California law.

22
23 **REQUEST FOR PRODUCTION NO. 2:**

24 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing
25 OR domiciled in California, including ALL COMMUNICATIONS.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

27 StudiVZ hereby incorporates by reference the general objections set forth
28 above. StudiVZ further objects to this request on the grounds that a plaintiff is not

entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to this request on the grounds that it does not know where its USERS reside or where they are domiciled.

REQUEST FOR PRODUCTION NO. 3:

ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between YOU AND FACEBOOK.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. StudiVZ further objects to this interrogatory to the extent it calls for documents covered by the Nondisclosure Agreement dated May 9, 2008.

REQUEST FOR PRODUCTION NO. 4:

DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of

1 information that is not relevant nor reasonably calculated to lead to the discovery of
2 admissible evidence. Subject to and without waiving the foregoing objections,
3 StudiVZ states as follows:

4 After resolution of the issues raised by StudiVZ's general objections and
5 entry of an appropriate protective order, StudiVZ will agree to produce documents
6 sufficient to show the number and amount of sales and accounts receivable owed to
7 StudiVZ by California addresses in May, June and July 2008.

8
9 **REQUEST FOR PRODUCTION NO. 12:**

10 DOCUMENTS sufficient to show ALL of YOUR current AND former
11 personal OR real property currently OR previously located in California.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 StudiVZ hereby incorporates by reference the general objections set forth
14 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
15 entitled to take discovery on personal jurisdiction as a matter of right. In order to
16 do so, Facebook must either make a *prima facie* showing of jurisdiction over
17 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
18 Facebook has done neither. StudiVZ further objects to this request on the grounds
19 that the definition of "YOU" is grossly overbroad. Subject to and without waiving
20 the foregoing objections, StudiVZ states as follows:

21 After resolution of the issues raised by StudiVZ's general objections and
22 entry of an appropriate protective order, StudiVZ will agree to produce documents
23 sufficient to show any real or personal property it owns in California.

24
25 **REQUEST FOR PRODUCTION NO. 13:**

26 ALL contracts involving YOU in which California law governs.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over
4 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. StudiVZ further objects to this request on the grounds
6 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
7 request on the grounds that it so overbroad as to be unduly burdensome and
8 harassing. StudiVZ further objects to this request on the grounds that it does not
9 exclude contracts of adhesion. StudiVZ further objects to this request on the
10 grounds that it seeks information that is not relevant nor reasonably calculated to
11 lead to the discovery of admissible evidence. Subject to and without waiving the
12 foregoing objections, StudiVZ states as follows:

13 After resolution of the issues raised by StudiVZ's general objections and
14 entry of an appropriate protective order, StudiVZ will agree to produce non-
15 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
16 to which it was a party that were in effect as of July 18, 2008, where the party on
17 the other side was known by StudiVZ to be a California resident or where the
18 contract expressly called for application of California law.

19
20 **REQUEST FOR PRODUCTION NO. 14:**

21 ALL DOCUMENTS RELATED TO instances when YOU accessed
22 FACEBOOK website, www.facebook.com OR www.thefacebook.com.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

24 StudiVZ hereby incorporates by reference the general objections set forth
25 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
26 entitled to take discovery on personal jurisdiction as a matter of right. In order to
27 do so, Facebook must either make a *prima facie* showing of jurisdiction over
28 StudiVZ, or it must identify material jurisdictional issues that are in dispute.

Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this request on the grounds that it so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 15:

IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to do business in California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "YOUR" is grossly overbroad. Subject to and without waiving the foregoing objections, StudiVZ states as follows:

After resolution of the issues raised by StudiVZ's general objections and entry of an appropriate protective order, StudiVZ will agree to produce any of its licenses or registrations to do business in California as of July 18, 2008.

REQUEST FOR PRODUCTION NO. 16:

ALL DOCUMENTS RELATED TO the services provided by www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net to USERS OF STUDIVZ, including how they are provided.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 17:

ALL DOCUMENTS RELATED TO the circumstances surrounding the formation of STUDIVZ as a company, including filings, investments, communications, capitalization, directors, officers, attorneys, investors, AND reasons for the formation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to

1 foregoing objections, StudiVZ states as follows:

2 After resolution of the issues raised by StudiVZ's general objections and
3 entry of an appropriate protective order, StudiVZ will agree to produce documents
4 sufficient to show who owns StudiVZ.

5
6 **REQUEST FOR PRODUCTION NO. 22:**

7 ALL DOCUMENTS RELATED TO universities, colleges, high schools,
8 AND institutes of higher learning located in California at which STUDIVZ
9 provides OR provided services including without limitation access to
10 www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it,
11 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net, including without
12 limitation University of California (ALL campuses), California State University
13 (ALL campuses), as well as the USERS OF STUDIVZ using email domains (e.g.,
14 name@stanford.edu) from those universities, colleges, high schools, AND institutes
15 of higher learning.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

17 StudiVZ hereby incorporates by reference the general objections set forth
18 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
19 entitled to take discovery on personal jurisdiction as a matter of right. In order to
20 do so, Facebook must either make a *prima facie* showing of jurisdiction over
21 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
22 Facebook has done neither. StudiVZ further objects to this request on the grounds
23 that the definition of "STUDIVZ" is grossly overbroad.

24
25 **REQUEST FOR PRODUCTION NO. 23:**

26 ALL versions of COMPUTER CODE YOU wrote, programmed OR helped
27 develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr,
28 www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 24:

A copy of ALL executable versions of COMPUTER CODE YOU use, used, developed OR helped develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the

1 grounds that it seeks information that is not relevant nor reasonably calculated to
2 lead to the discovery of admissible evidence.

3
4 **REQUEST FOR PRODUCTION NO. 25:**

5 ALL COMMUNICATIONS that RELATE TO FACEBOOK, its website,
6 OR the servers it uses, used, accesses OR accessed.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

8 StudiVZ hereby incorporates by reference the general objections set forth
9 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
10 entitled to take discovery on personal jurisdiction as a matter of right. In order to
11 do so, Facebook must either make a *prima facie* showing of jurisdiction over
12 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
13 Facebook has done neither. StudiVZ further objects to this request on the grounds
14 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
15 harassing. StudiVZ further objects to this request on the grounds that it seeks
16 information that is not relevant nor reasonably calculated to lead to the discovery of
17 admissible evidence.

18
19 **REQUEST FOR PRODUCTION NO. 26:**

20 ALL COMMUNICATIONS that RELATE TO OR REFER TO
21 FACEBOOK.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

23 StudiVZ hereby incorporates by reference the general objections set forth
24 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
25 entitled to take discovery on personal jurisdiction as a matter of right. In order to
26 do so, Facebook must either make a *prima facie* showing of jurisdiction over
27 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
28 Facebook has done neither. StudiVZ further objects to this request on the grounds

1 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
2 harassing. StudiVZ further objects to this request on the grounds that it seeks
3 information that is not relevant nor reasonably calculated to lead to the discovery of
4 admissible evidence.

5
6 **REQUEST FOR PRODUCTION NO. 27:**

7 A copy of ALL versions of COMPUTER CODE (including, without
8 limitation, source code, object code and scripts) YOU wrote, which YOU used OR
9 use, OR for which YOU paid that was designed to extract information from any
10 website, including thefacebook.com OR facebook.com.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

12 StudiVZ hereby incorporates by reference the general objections set forth
13 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
14 entitled to take discovery on personal jurisdiction as a matter of right. In order to
15 do so, Facebook must either make a *prima facie* showing of jurisdiction over
16 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
17 Facebook has done neither. StudiVZ further objects to this request on the grounds
18 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
19 request on the grounds that it is unlimited as to time, and is so overbroad as to be
20 unduly burdensome and harassing. StudiVZ further objects to this request on the
21 grounds that it seeks information that is not relevant nor reasonably calculated to
22 lead to the discovery of admissible evidence.

23
24 **REQUEST FOR PRODUCTION NO. 28:**

25 ALL DOCUMENTS related to any account YOU created to access any
26 FACEBOOK website, including thefacebook.com AND facebook.com.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over
4 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. StudiVZ further objects to this request on the grounds
6 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
7 request on the grounds that it is unlimited as to time, and is so overbroad as to be
8 unduly burdensome and harassing. StudiVZ further objects to this request on the
9 grounds that it seeks information that is not relevant nor reasonably calculated to
10 lead to the discovery of admissible evidence.
11

12 **REQUEST FOR PRODUCTION NO. 29:**

13 ALL COMMUNICATIONS OR DOCUMENTS concerning or that
14 RELATE TO the use of any server, including proxy server, to access
15 FACEBOOK's server(s) OR website(s).

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

17 StudiVZ hereby incorporates by reference the general objections set forth
18 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
19 entitled to take discovery on personal jurisdiction as a matter of right. In order to
20 do so, Facebook must either make a *prima facie* showing of jurisdiction over
21 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
22 Facebook has done neither. StudiVZ further objects to this request on the grounds
23 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
24 harassing. StudiVZ further objects to this request on the grounds that it seeks
25 information that is not relevant nor reasonably calculated to lead to the discovery of
26 admissible evidence.
27
28

REQUEST FOR PRODUCTION NO. 30:

ALL DOCUMENTS reflecting, associated with, OR that RELATE TO any of YOUR responses to Interrogatories in this action.


RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, StudiVZ states as follows:

After resolution of the issues raised by StudiVZ's general objections and entry of an appropriate protective order, StudiVZ will agree to produce the specific documents identified in its interrogatory responses.

DATED: November 17, 2008

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

By: 
STEPHEN S. SMITH (SBN 166539)
Attorneys for Defendants StudiVZ
Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

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PROOF OF SERVICE

CCP §1011, CCP §1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On November 17, 2008, I served the foregoing document described as **STUDIVZ LTD.'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

☒ by placing ☒ the **original** ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Warrington S. Parker, Esq. **(ORIGINAL)** Attorneys for Plaintiff Facebook, Inc.
wparker@orrick.com
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

Gary E. Weiss, Esq. **(COPY)**
gweiss@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025

BOTH BY E-MAIL AND U.S. MAIL:

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. A true and correct copy of the document was also e-mailed to Warrington S. Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, at Los Angeles, California.

BY PERSONAL SERVICE:

☐ I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at Los Angeles, California.

☒ (Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Nancy L. Luis


SIGNATURE

PROOF OF SERVICE

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STEPHEN S. SMITH (SBN 166539)
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WILLIAM M. WALKER (SBN 145559)
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AARON J. MOSS (SBN 190625)
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Attorneys for Defendants
StudiVZ Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH,
HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**HOLTZBRINCK VENTURES
GmbH'S RESPONSES TO
FACEBOOK, INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

PROPOUNDING PARTY: FACEBOOK, INC.

RESPONDING PARTY: HOLTZBRINCK VENTURES GmbH

SET NUMBER: ONE

I. GENERAL OBJECTIONS

A. Holtzbrinck Ventures GmbH (“Ventures”) objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. Ventures will not produce evidence absent the protective order it has requested from the Court, requiring the evidence to be used only in this action.

B. Ventures objects to the Notice on the grounds that it seeks discovery that goes to the merits and is not confined to disputed jurisdictional issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction. Ventures has filed a motion for a protective order to prevent any discovery on any issue other than material, disputed issues of personal jurisdiction while the motions to dismiss remain pending.

C. Ventures objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in the German Constitution and the German Federal Data Protection Act (BDSG).

D. Ventures objects to the Requests on the grounds that the definition of “HOLTZBRINCK VENTURES GmbH,” “YOU” and “YOUR” includes HOLTZBRINCK VENTURES GmbH’s “directors, officers, parents, subsidiaries,

1 predecessors, successors, assigns, agents, servants, employees, investigators,
2 attorneys, AND ALL other persons and entities representing it acting on its behalf,
3 OR purporting to act on its behalf.” Ventures further objects to the Requests on
4 the grounds that the definition of “STUDIVZ” includes StudiVZ’s “directors,
5 officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants,
6 employees, investigators, attorneys, AND ALL other persons and entities
7 representing it acting on its behalf, OR purporting to act on its behalf, including
8 without limitation, Ehassan Dariani and Dennis Bemman.” These definitions are
9 improperly overbroad generally and are particularly so given that the discovery
10 purports to relate to personal jurisdiction, since in establishing jurisdiction
11 discovery must be directed at the party only.

12
13 E. Ventures objects to the Requests on the grounds that their gross
14 overbreadth would require Ventures to incur an unreasonable amount of expense
15 and time to search for and then produce the requested documents.

16
17 F. Ventures objects to the Requests to the extent they seek documents
18 that are protected from disclosure by the attorney-client privilege, the attorney work
19 product doctrine, the right of privacy and/or any other applicable privileges,
20 doctrines, or immunity from disclosure.

21
22 G. Ventures further objects to the Requests to the extent they attempt or
23 purport to impose obligations on Ventures beyond those set forth in the Federal
24 Rules of Civil Procedure. All definitions and instructions will be treated as having
25 no force or effect to the extent they purport to impose obligations on Ventures
26 beyond those set forth in the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS that RELATE TO ANY contracts OR agreements between YOU AND ANY business licensed, located, based, OR incorporated in California OR ANY PERSON currently OR formerly residing OR domiciled in California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ventures further objects to this request on the grounds that it does not exclude contracts of adhesion, which are irrelevant to any issue of personal jurisdiction or forum non conveniens. Ventures further objects to this request on the grounds that it is not limited to contracts Ventures knew were with businesses or residents located in California. Subject to and without waiving the foregoing objections, Ventures states as follows:

After resolution of the issues raised by Ventures' general objections and entry of an appropriate protective order, Ventures will agree to produce non-confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts) to which it was a party that were in effect as of July 18, 2008, where the party on the other side was known by Ventures to be a California resident or where the contract expressly called for application of California law.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing
3 OR domiciled in California, including ALL COMMUNICATIONS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

5 Ventures hereby incorporates by reference the general objections set forth
6 above. Ventures further objects to this request on the grounds that a plaintiff is not
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over
9 Ventures, or it must identify material jurisdictional issues that are in dispute.
10 Facebook has done neither. Ventures further objects to this request on the grounds
11 that the definition of "STUDIVZ" is grossly overbroad. Ventures further objects to
12 this request on the grounds that it does not know where StudiVZ's USERS reside or
13 where they are domiciled.

14
15 **REQUEST FOR PRODUCTION NO. 3:**

16 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between
17 YOU AND FACEBOOK.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Ventures hereby incorporates by reference the general objections set forth
20 above. Ventures further objects to this request on the grounds that a plaintiff is not
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over
23 Ventures, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. Ventures further objects to this request on the grounds
25 that the definition of "YOU" is grossly overbroad. Ventures further objects to this
26 request on the grounds that it is unlimited as to time, and is so overbroad as to be
27 unduly burdensome and harassing. Ventures further objects to this request on the
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 lead to the discovery of admissible evidence. Ventures further objects to this
2 request to the extent it calls for documents covered by the Nondisclosure
3 Agreement dated May 9, 2008.

4
5 **REQUEST FOR PRODUCTION NO. 4:**

6 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of
7 goods AND services sold OR provided by YOU to current OR former California
8 residents, including PERSONS, businesses, AND USERS OF STUDIVZ.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

10 Ventures hereby incorporates by reference the general objections set forth
11 above. Ventures further objects to this request on the grounds that a plaintiff is not
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over
14 Ventures, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Ventures further objects to this request on the grounds
16 that the definition of "YOU" is grossly overbroad. Ventures further objects to this
17 request on the grounds that it is unlimited as to time, and is so overbroad as to be
18 unduly burdensome and harassing. Subject to and without waiving the foregoing
19 objections, Ventures states as follows:

20 After resolution of the issues raised by Ventures' general objections and
21 entry of an appropriate protective order, Ventures will agree to produce documents
22 sufficient to show the number and amount of sales and accounts receivable owed to
23 Ventures by California addresses in May, June and July 2008.

24
25 **REQUEST FOR PRODUCTION NO. 5:**

26 DOCUMENTS THAT RELATE TO the relationship of VERLAGSGRUPPE
27 GEORG VON HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH,
28 AND HOLTZBRINCK VENTURES GmBH to OR with STUDIVZ, including

1 After resolution of the issues raised by Ventures' general objections and
2 entry of an appropriate protective order, Ventures will agree to produce documents
3 sufficient to show the number and amount of sales and accounts receivable owed to
4 Ventures by California addresses in May, June and July 2008.

5
6 **REQUEST FOR PRODUCTION NO. 12:**

7 DOCUMENTS sufficient to show ALL of YOUR current AND former
8 personal OR real property currently OR previously located in California.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

10 Ventures hereby incorporates by reference the general objections set forth
11 above. Ventures further objects to this request on the grounds that a plaintiff is not
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over
14 Ventures, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Ventures further objects to this request on the grounds
16 that the definition of "YOUR" is grossly overbroad. Subject to and without
17 waiving the foregoing objections, Ventures states as follows:

18 After resolution of the issues raised by Ventures' general objections and
19 entry of an appropriate protective order, Ventures will agree to produce documents
20 sufficient to show any real or personal property it owns in California.

21
22 **REQUEST FOR PRODUCTION NO. 13:**

23 ALL contracts involving YOU in which California law governs.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

25 Ventures hereby incorporates by reference the general objections set forth
26 above. Ventures further objects to this request on the grounds that a plaintiff is not
27 entitled to take discovery on personal jurisdiction as a matter of right. In order to
28 do so, Facebook must either make a *prima facie* showing of jurisdiction over

Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it does not exclude contracts of adhesion. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Ventures states as follows:

After resolution of the issues raised by Ventures' general objections and entry of an appropriate protective order, Ventures will agree to produce non-confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts) to which it was a party that were in effect as of July 18, 2008, where the party on the other side was known by Ventures to be a California resident or where the contract expressly called for application of California law.

REQUEST FOR PRODUCTION NO. 14:

ALL DOCUMENTS RELATED TO instances when YOU accessed FACEBOOK website, www.facebook.com OR www.thefacebook.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it so overbroad as to be unduly burdensome and harassing.

Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 15:

IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to do business in California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOUR" is grossly overbroad. Subject to and without waiving the foregoing objections, Ventures states as follows:

After resolution of the issues raised by Ventures' general objections and entry of an appropriate protective order, Ventures will agree to produce any of its licenses or registrations to do business in California as of July 18, 2008.

REQUEST FOR PRODUCTION NO. 16:

ALL DOCUMENTS RELATED TO the services provided by www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net to USERS OF STUDIVZ, including how they are provided.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not

REQUEST FOR PRODUCTION NO. 22:

ALL DOCUMENTS RELATED TO universities, colleges, high schools, AND institutes of higher learning located in California at which STUDIVZ provides OR provided services including without limitation access to www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net, including without limitation University of California (ALL campuses), California State University (ALL campuses), as well as the USERS OF STUDIVZ using email domains (e.g., name@stanford.edu) from those universities, colleges, high schools, AND institutes of higher learning.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ventures further objects to this request on the grounds that it seeks information about StudiVZ, not Ventures. Ventures further objects to this request on the grounds that Facebook has made no alter ego allegations.

REQUEST FOR PRODUCTION NO. 23:

ALL versions of COMPUTER CODE YOU wrote, programmed OR helped develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ventures further objects to this request on the grounds that it does not operate the websites in question.

REQUEST FOR PRODUCTION NO. 24:

A copy of ALL executable versions of COMPUTER CODE YOU use, used, developed OR helped develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be

1 unduly burdensome and harassing. Ventures further objects to this request on the
2 grounds that it seeks information that is not relevant nor reasonably calculated to
3 lead to the discovery of admissible evidence. Ventures further objects to this
4 request on the grounds that it does not operate the websites in question.

5
6 **REQUEST FOR PRODUCTION NO. 25:**

7 ALL COMMUNICATIONS that RELATE TO FACEBOOK, its website,
8 OR the servers it uses, used, accesses OR accessed.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

10 Ventures hereby incorporates by reference the general objections set forth
11 above. Ventures further objects to this request on the grounds that a plaintiff is not
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over
14 Ventures, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Ventures further objects to this request on the grounds
16 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
17 harassing. Ventures further objects to this request on the grounds that it seeks
18 information that is not relevant nor reasonably calculated to lead to the discovery of
19 admissible evidence.

20
21 **REQUEST FOR PRODUCTION NO. 26:**

22 ALL COMMUNICATIONS that RELATE TO OR REFER TO
23 FACEBOOK.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

25 Ventures hereby incorporates by reference the general objections set forth
26 above. Ventures further objects to this request on the grounds that a plaintiff is not
27 entitled to take discovery on personal jurisdiction as a matter of right. In order to
28 do so, Facebook must either make a *prima facie* showing of jurisdiction over

Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 27:

A copy of ALL versions of COMPUTER CODE (including, without limitation, source code, object code and scripts) YOU wrote, which YOU used OR use, OR for which YOU paid that was designed to extract information from any website, including thefacebook.com OR facebook.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 28:

ALL DOCUMENTS related to any account YOU created to access any FACEBOOK website, including thefacebook.com AND facebook.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 29:

ALL COMMUNICATIONS OR DOCUMENTS concerning or that RELATE TO the use of any server, including proxy server, to access FACEBOOK's server(s) OR website(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

1 DATED: November 17, 2008

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

By: 

STEPHEN S. SMITH (SBN 166539)
Attorneys for Defendants StudiVZ
Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

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PROOF OF SERVICE
CCP §1011, CCP §1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On November 17, 2008, I served the foregoing document described as **HOLTZBRINCK VENTURES GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

☒ by placing ☒ the **original** ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Warrington S. Parker, Esq. **(ORIGINAL)** Attorneys for Plaintiff Facebook, Inc.
wparker@orrick.com
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

Gary E. Weiss, Esq. **(COPY)**
gweiss@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025

BOTH BY E-MAIL AND U.S. MAIL:

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. A true and correct copy of the document was also e-mailed to Warrington S. Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, at Los Angeles, California.

BY PERSONAL SERVICE:

☐ I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at Los Angeles, California.

☒ (Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Nancy L. Luis

Nancy L. Luis
SIGNATURE

PROOF OF SERVICE

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Attorneys for Defendants
StudiVZ Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH,
HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**HOLTZBRINCK NETWORKS
GmbH'S RESPONSES TO
FACEBOOK, INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

PROPOUNDING PARTY: FACEBOOK, INC.

RESPONDING PARTY: HOLTZBRINCK NETWORKS GmbH

SET NUMBER: ONE

I. GENERAL OBJECTIONS

A. Holtzbrinck Networks GmbH (“Networks”) objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. Networks will not produce evidence absent the protective order it has requested from the Court, requiring the evidence to be used only in this action.

B. Networks objects to the Notice on the grounds that it seeks discovery that goes to the merits and is not confined to disputed jurisdictional issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction. Networks has filed a motion for a protective order to prevent any discovery on any issue other than material, disputed issues of personal jurisdiction while the motions to dismiss remain pending.

C. Networks objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in the German Constitution and the German Federal Data Protection Act (BDSG).

D. Networks objects to the Requests on the grounds that the definition of “HOLTZBRINCK NETWORKS GmbH,” “YOU,” and “YOUR” includes Networks’ “directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees, investigators, attorneys, AND ALL other

1 persons and entities representing it acting on its behalf, OR purporting to act on its
2 behalf.” Networks further objects to the Requests on the grounds that the definition
3 of “STUDIVZ” includes StudiVZ’s “directors, officers, parents, subsidiaries,
4 predecessors, successors, assigns, agents, servants, employees, investigators,
5 attorneys, AND ALL other persons and entities representing it acting on its behalf,
6 OR purporting to act on its behalf, including without limitation, Ehassan Dariani
7 and Dennis Bemman.” These definitions are improperly overbroad generally and
8 are particularly so given that the discovery purports to relate to personal
9 jurisdiction, since in establishing jurisdiction discovery must be directed at the
10 party only.

11
12 E. Networks objects to the Requests on the grounds that their gross
13 overbreadth would require Networks to incur an unreasonable amount of expense
14 and time to search for and then produce the requested documents.

15
16 F. Networks objects to the Requests to the extent they seek documents
17 that are protected from disclosure by the attorney-client privilege, the attorney work
18 product doctrine, the right of privacy and/or any other applicable privileges,
19 doctrines, or immunity from disclosure.

20
21 G. Networks further objects to the Requests to the extent they attempt or
22 purport to impose obligations on Networks beyond those set forth in the Federal
23 Rules of Civil Procedure. All definitions and instructions will be treated as having
24 no force or effect to the extent they purport to impose obligations on Networks
25 beyond those set forth in the Federal Rules of Civil Procedure.

26
27 **REQUEST FOR PRODUCTION NO. 1:**

28 All DOCUMENTS that RELATE TO ANY contracts OR agreements

1 between YOU AND ANY business licensed, located, based, OR incorporated in
2 California OR ANY PERSON currently OR formerly residing OR domiciled in
3 California.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

5 Networks hereby incorporates by reference the general objections set forth
6 above. Networks further objects to this request on the grounds that a plaintiff is not
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over
9 Networks, or it must identify material jurisdictional issues that are in dispute.
10 Facebook has done neither. Networks further objects to this request on the grounds
11 that the definition of "YOU" is grossly overbroad. Networks further objects to this
12 request on the grounds that it is unlimited as to time, and is so overbroad as to be
13 unduly burdensome and harassing. Networks further objects to this request on the
14 grounds that it seeks information that is not relevant nor reasonably calculated to
15 lead to the discovery of admissible evidence. Networks further objects to this
16 request on the grounds that it does not exclude contracts of adhesion, which are
17 irrelevant to any issue of personal jurisdiction or forum non conveniens. Networks
18 further objects to this request on the grounds that it is not limited to contracts
19 Networks knew were with businesses or residents located in California. Subject to
20 and without waiving the foregoing objections, Networks states as follows:

21 After resolution of the issues raised by Networks' general objections and
22 entry of an appropriate protective order, Networks will agree to produce non-
23 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
24 to which it was a party that were in effect as of July 18, 2008, where the party on
25 the other side was known by Networks to be a California resident or where the
26 contract expressly called for application of California law.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing
3 OR domiciled in California, including ALL COMMUNICATIONS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

5 Networks hereby incorporates by reference the general objections set forth
6 above. Networks further objects to this request on the grounds that a plaintiff is not
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over
9 Networks, or it must identify material jurisdictional issues that are in dispute.
10 Facebook has done neither. Networks further objects to this request on the grounds
11 that the definition of "STUDIVZ" is grossly overbroad. Networks further objects
12 to this request on the grounds that it does not know where StudiVZ's USERS reside
13 or where they are domiciled.

14
15 **REQUEST FOR PRODUCTION NO. 3:**

16 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between
17 YOU AND FACEBOOK.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Networks hereby incorporates by reference the general objections set forth
20 above. Networks further objects to this request on the grounds that a plaintiff is not
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over
23 Networks, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. Networks further objects to this request on the grounds
25 that the definition of "YOU" is grossly overbroad. Networks further objects to this
26 request on the grounds that it is unlimited as to time, and is so overbroad as to be
27 unduly burdensome and harassing. Networks further objects to this request on the
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 lead to the discovery of admissible evidence. Networks further objects to the extent
2 that it calls for documents covered by the Nondisclosure Agreement dated May 9,
3 2008.

4
5 **REQUEST FOR PRODUCTION NO. 4:**

6 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of
7 goods AND services sold OR provided by YOU to current OR former California
8 residents, including PERSONS, businesses, AND USERS OF STUDIVZ.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

10 Networks hereby incorporates by reference the general objections set forth
11 above. Networks further objects to this request on the grounds that a plaintiff is not
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over
14 Networks, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Networks further objects to this request on the grounds
16 that the definition of "YOU" is grossly overbroad. Networks further objects to this
17 request on the grounds that it is unlimited as to time, and is so overbroad as to be
18 unduly burdensome and harassing. Subject to and without waiving the foregoing
19 objections, Networks states as follows:

20 After resolution of the issues raised by Networks' general objections and
21 entry of an appropriate protective order, Networks will agree to produce documents
22 sufficient to show the number and amount of sales and accounts receivable owed to
23 Networks by California addresses in May, June and July 2008.

24
25 **REQUEST FOR PRODUCTION NO. 5:**

26 DOCUMENTS THAT RELATE TO the relationship of VERLAGSGRUPPE
27 GEORG VON HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH,
28 AND HOLTZBRINCK VENTURES GmBH to OR with STUDIVZ, including

1 information that is not relevant nor reasonably calculated to lead to the discovery of
2 admissible evidence. Subject to and without waiving the foregoing objections,
3 Networks states as follows:

4 After resolution of the issues raised by Networks' general objections and
5 entry of an appropriate protective order, Networks will agree to produce documents
6 sufficient to show the number and amount of sales and accounts receivable owed to
7 Networks by California addresses in May, June and July 2008.

8
9 **REQUEST FOR PRODUCTION NO. 12:**

10 DOCUMENTS sufficient to show ALL of YOUR current AND former
11 personal OR real property currently OR previously located in California.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 Networks hereby incorporates by reference the general objections set forth
14 above. Networks further objects to this request on the grounds that a plaintiff is not
15 entitled to take discovery on personal jurisdiction as a matter of right. In order to
16 do so, Facebook must either make a *prima facie* showing of jurisdiction over
17 Networks, or it must identify material jurisdictional issues that are in dispute.
18 Facebook has done neither. Networks further objects to this request on the grounds
19 that the definition of "YOUR" is grossly overbroad. Subject to and without
20 waiving the foregoing objections, Networks states as follows:

21 After resolution of the issues raised by Networks' general objections and
22 entry of an appropriate protective order, Networks will agree to produce documents
23 sufficient to show any real or personal property it owns in California.

24
25 **REQUEST FOR PRODUCTION NO. 13:**

26 ALL contracts involving YOU in which California law governs.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

28 Networks hereby incorporates by reference the general objections set forth

1 above. Networks further objects to this request on the grounds that a plaintiff is not
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over
4 Networks, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. Networks further objects to this request on the
6 grounds that the definition of "YOU" is grossly overbroad. Networks further
7 objects to this request on the grounds that it so overbroad as to be unduly
8 burdensome and harassing. Networks further objects to this request on the grounds
9 that it does not exclude contracts of adhesion. Networks further objects to this
10 request on the grounds that it seeks information that is not relevant nor reasonably
11 calculated to lead to the discovery of admissible evidence. Subject to and without
12 waiving the foregoing objections, Networks states as follows:

13 After resolution of the issues raised by Networks' general objections and
14 entry of an appropriate protective order, Networks will agree to produce non-
15 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
16 to which it was a party that were in effect as of July 18, 2008, where the party on
17 the other side was known by Networks to be a California resident or where the
18 contract expressly called for application of California law.

19
20 **REQUEST FOR PRODUCTION NO. 14:**

21 ALL DOCUMENTS RELATED TO instances when YOU accessed
22 FACEBOOK website, www.facebook.com OR www.thefacebook.com.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

24 Networks hereby incorporates by reference the general objections set forth
25 above. Networks further objects to this request on the grounds that a plaintiff is not
26 entitled to take discovery on personal jurisdiction as a matter of right. In order to do
27 so, Facebook must either make a *prima facie* showing of jurisdiction over
28 Networks, or it must identify material jurisdictional issues that are in dispute.

1 Facebook has done neither. Networks further objects to this request on the grounds
2 that the definition of "YOU" is grossly overbroad. Networks further objects to this
3 request on the grounds that it so overbroad as to be unduly burdensome and
4 harassing. Networks further objects to this request on the grounds that it seeks
5 information that is not relevant nor reasonably calculated to lead to the discovery of
6 admissible evidence.

7
8 **REQUEST FOR PRODUCTION NO. 15:**

9 IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to
10 do business in California.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

12 Networks hereby incorporates by reference the general objections set forth
13 above. Networks further objects to this request on the grounds that a plaintiff is not
14 entitled to take discovery on personal jurisdiction as a matter of right. In order to
15 do so, Facebook must either make a *prima facie* showing of jurisdiction over
16 Networks, or it must identify material jurisdictional issues that are in dispute.
17 Facebook has done neither. Networks further objects to this request on the grounds
18 that the definition of "YOUR" is grossly overbroad. Subject to and without
19 waiving the foregoing objections, Networks states as follows:

20 After resolution of the issues raised by Networks' general objections and
21 entry of an appropriate protective order, Networks will agree to produce any of its
22 licenses or registrations to do business in California as of July 18, 2008.

23
24 **REQUEST FOR PRODUCTION NO. 16:**

25 ALL DOCUMENTS RELATED TO the services provided by
26 www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it,
27 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net to USERS OF
28 STUDIVZ, including how they are provided.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Networks further objects to this request on the grounds that it does not operate the websites in question.

REQUEST FOR PRODUCTION NO. 17:

ALL DOCUMENTS RELATED TO ANY transaction OR transactions whereby HOLTZBRINCK NETWORKS GmbH invested in, gave money to, OR obtained an interest in STUDIVZ, including filings AND communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "HOLTZBRINCK NETWORKS GmbH" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks

1 **REQUEST FOR PRODUCTION NO. 22:**

2 ALL DOCUMENTS RELATED TO universities, colleges, high schools,
3 AND institutes of higher learning located in California at which STUDIVZ
4 provides OR provided services including without limitation access to
5 www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it,
6 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net, including without
7 limitation University of California (ALL campuses), California State University
8 (ALL campuses), as well as the USERS OF STUDIVZ using email domains (e.g.,
9 name@stanford.edu) from those universities, colleges, high schools, AND institutes
10 of higher learning.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

12 Networks hereby incorporates by reference the general objections set forth
13 above. Networks further objects to this request on the grounds that a plaintiff is not
14 entitled to take discovery on personal jurisdiction as a matter of right. In order to
15 do so, Facebook must either make a *prima facie* showing of jurisdiction over
16 Networks, or it must identify material jurisdictional issues that are in dispute.
17 Facebook has done neither. Networks further objects to this request on the grounds
18 that it seeks information that is not relevant nor reasonably calculated to lead to the
19 discovery of admissible evidence. Networks further objects to this request on the
20 grounds that it seeks information about StudiVZ, not Networks. Networks further
21 objects to this request on the grounds that Facebook has made no alter ego
22 allegations.

23
24 **REQUEST FOR PRODUCTION NO. 23:**

25 ALL versions of COMPUTER CODE YOU wrote, programmed OR helped
26 develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr,
27 www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Networks further objects to this request on the grounds that it does not operate the websites in question.

REQUEST FOR PRODUCTION NO. 24:

A copy of ALL executable versions of COMPUTER CODE YOU use, used, developed OR helped develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqg.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be

unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Networks further objects to this request on the grounds that it does not operate the websites in question.

REQUEST FOR PRODUCTION NO. 25:

ALL COMMUNICATIONS that RELATE TO FACEBOOK, its website, OR the servers it uses, used, accesses OR accessed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 26:

ALL COMMUNICATIONS that RELATE TO OR REFER TO FACEBOOK.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over

1 Networks, or it must identify material jurisdictional issues that are in dispute.
2 Facebook has done neither. Networks further objects to this request on the grounds
3 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
4 harassing. Networks further objects to this request on the grounds that it seeks
5 information that is not relevant nor reasonably calculated to lead to the discovery of
6 admissible evidence.

7
8 **REQUEST FOR PRODUCTION NO. 27:**

9 A copy of ALL versions of COMPUTER CODE (including, without
10 limitation, source code, object code and scripts) YOU wrote, which YOU used OR
11 use, OR for which YOU paid that was designed to extract information from any
12 website, including thefacebook.com OR facebook.com.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

14 Networks hereby incorporates by reference the general objections set forth
15 above. Networks further objects to this request on the grounds that a plaintiff is not
16 entitled to take discovery on personal jurisdiction as a matter of right. In order to
17 do so, Facebook must either make a *prima facie* showing of jurisdiction over
18 Networks, or it must identify material jurisdictional issues that are in dispute.
19 Facebook has done neither. Networks further objects to this request on the grounds
20 that the definition of "YOU" is grossly overbroad. Networks further objects to this
21 request on the grounds that it is unlimited as to time, and is so overbroad as to be
22 unduly burdensome and harassing. Networks further objects to this request on the
23 grounds that it seeks information that is not relevant nor reasonably calculated to
24 lead to the discovery of admissible evidence.

25
26 **REQUEST FOR PRODUCTION NO. 28:**

27 ALL DOCUMENTS related to any account YOU created to access any
28 FACEBOOK website, including thefacebook.com AND facebook.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 29:

ALL COMMUNICATIONS OR DOCUMENTS concerning or that RELATE TO the use of any server, including proxy server, to access FACEBOOK's server(s) OR website(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 30:

ALL DOCUMENTS reflecting, associated with, OR that RELATE TO any of YOUR responses to Interrogatories in this action.


RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Networks states as follows:

After resolution of the issues raised by Networks' general objections and entry of an appropriate protective order, Networks will agree to produce the specific documents identified in its interrogatory responses.

DATED: November 17, 2008

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

By: 
STEPHEN S. SMITH (SBN 166539)
Attorneys for Defendants StudiVZ
Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

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PROOF OF SERVICE
CCP §1011, CCP §1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On November 17, 2008, I served the foregoing document described as **HOLTZBRINCK NETWORKS GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

☒ by placing ☒ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Warrington S. Parker, Esq. (ORIGINAL) Attorneys for Plaintiff Facebook, Inc.
wparker@orrick.com
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

Gary E. Weiss, Esq. (COPY)
gweiss@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025

BOTH BY E-MAIL AND U.S. MAIL:

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. A true and correct copy of the document was also e-mailed to Warrington S. Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, at Los Angeles, California.

BY PERSONAL SERVICE:

☐ I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at Los Angeles, California.

☒ (Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Nancy L. Luis


SIGNATURE

PROOF OF SERVICE